JUSTICE UPDATE
Saskatchewan Justice
2010

*** The Agri-Food Amendment Act, 2010**

(Bill 97) Chapter 1

This legislation repeals *The Cattle Marketing Deductions Act* and Regulations. It contains transitional provisions for winding up the Cattle Marketing Deductions Fund and transferring its assets and liabilities to the Saskatchewan Cattlemen's Association.

It also provides for development commissions, such as the Saskatchewan Cattlemen's Association, to be authorized to collect a national, non-refundable levy pursuant to an agreement entered into under the Act.

The Act came into force on August 4, 2010.

The Animal Protection Amendment Act, 2010

(Bill 148) Chapter 38
New sections 3 and 6 added on Third Reading.

This Act:

- creates a new offence for anyone who causes an animal to be in distress;
- increases the penalties for contravention of the Act or regulations to a maximum fine of $25,000 and imprisonment of a maximum of two years;
- creates new offences for anyone who harms, attempts to harm, touches, feeds, impedes or interferes with, or allows their animal to harm, attempt to harm, touch, feed, impede or interfere with, a service animal. A service animal is defined to mean an animal trained to assist a person with a disability, a peace officer or a person assisting a peace officer. On conviction, in addition to the other penalties, the court can order the offender to pay compensation to the person responsible for the service animal for loss or damage suffered as a consequence of the offence.

This Act came into force on December 9, 2010.

*** The Assessment Management Agency Amendment Act, 2010**

(Bill 127) Chapter 3
Sections 24, 25 and 26 amended on Third Reading.

This Act amends *The Assessment Management Agency Act* to:

- require ministerial approval of base dates, methods of valuation, equivalency assessments and assessment manuals, guidelines, handbooks and codes;
- reduce the size of the agency's board from 11 to 7 members;
- adjust the agency's funding, remove references to boards of education and make other housekeeping amendments to reflect the changes to the education property tax system;
- require assessment appraisers to apply appeal board decisions to future valuations of the same property;
- clarify that if an assessment appraiser is unable to contact the owner or occupier, he or she may enter property to carry out a valuation; if the property is a private dwelling, the assessment appraiser must first obtain the consent of the owner or occupier or a warrant authorizing entry;
- clarify the fees paid to the agency when municipalities decide to re-opt into its services; and
- make consequential amendments to *The Cities Act, The Municipalities Act and The Northern Municipalities Act*.

Clause 3(e), sections 11 to 17, clauses 20(3)(b) and (c), subsection 20(4), clause 23(1)(a) and subsection 23(2) came into force on assent but are retroactive in effect to January 1, 2010; the remainder of the Act came into force on May 20, 2010.

The Business Statutes Administration Transfer Act

(Bill 141) Chapter B-12

This Act transfers responsibility for the administration of the Corporations Branch from the Ministry of Justice and Attorney General to the Information Services Corporation of Saskatchewan (ISC). The legislation that is transferred to ISC includes *The Business Corporations Act*, *The Business Names Registration Act*, *The Co-operatives Act, 1996*, *The New Generation Co-operatives Act*, *The Non-profit Corporations Act, 1995*, *The Partnership Act* and *The Companies Act*. The Act sets out the authority for ISC to administer this legislation and to deliver the programs and services under this legislation. It also makes consequential amendments to 57 Acts to reflect this change.

This Act came into force on October 1, 2010.

The Business Statutes Administration Transfer Consequential Amendments Act, 2010 / Loi de 2010 portant modifications corrélatives à la loi intitulée The Business Statutes Administration Transfer Act

(Bill 142) Chapter 4

This Act makes consequential amendments to three bilingual Acts to reflect the enactment of *The Business Statutes Administration Transfer Act*.

This Act came into force on October 1, 2010.

*** The Cities Amendment Act, 2010**

(Bill 108) Chapter 5
Section 29 amended on Third Reading.

This Act makes a number of amendments to *The Cities Act* including:

- providing cities with additional authority to close, sell or lease city streets;
- clarifying the application of distress warrants to enforcement of property taxes against house trailers;
- allowing city councils to require candidates for council to submit criminal record checks with their nomination papers;
- addressing officer/director liability when a corporation has contravened the Act;
- clarifying the means and time frames for service of documents; and
- clarifying the limitation period for instituting a third party claim against a city.

It also includes a consequential amendment to the road closure provisions in *The Land Surveys Act, 2000*.

This Act came into force on May 20, 2010.

The Commissioners for Oaths Amendment Act, 2010

(Bill 152) Chapter 40

This Act permits certain senior officers of the Canadian Forces to administer oaths for use in Saskatchewan. The amendment adds officers of the Reserve Force to the officers of the Permanent Force who are permitted to administer oaths. It also updates the ranks that are permitted to administer oaths: lieutenant in the naval forces, and captain in the military forces and air forces, or more senior officers.

This Act came into force on December 9, 2010.

*** The Conservation Easements Amendment Act, 2010**

(Bill 131) Chapter 6

This Act amends *The Conservation Easements Act* to:

- create a new class of easement called a "Crown conservation easement";
- provide expanded enforcement options to be used if obligations set out in easements are not followed; and
- enable revisions to be made to existing conservation easements by written agreement of the holder and the land owner.

This Act will come into force on proclamation.

*** The Construction Industry Labour Relations Amendment Act, 2010**

(Bill 80) Chapter 7

Amendments to *The Construction Industry Labour Relations Act, 1992*:

- allow a trade union to organize a company on a multi-trade, or "all-employee" basis, as well as on a craft (single trade) basis;
- enable any trade union to certify an employer;
- allow employers to choose the representative employers' organization (REO) that will represent them;
- allow an employer operating outside an REO to negotiate a collective agreement for the duration of a project;
- give the Labour Relations Board the authority to investigate complaints that a union has abandoned its bargaining rights and revoke a union's certification on the basis of an abandonment complaint; and

- change the definition of "construction industry" to remove the reference to "maintaining" a building or structure.

This Act came into force on July 1, 2010.

The Correctional Services Amendment Act, 2010

(Bill 158) Chapter 41
Sections 3, 4 and 5 were amended on Third Reading.

These amendments authorize the executive director of correctional services to establish communication systems for use by inmates in correctional facilities. Inmate communications may be recorded, intercepted, monitored, censored, restricted, prohibited or blocked, in accordance with the regulations.

This Act came into force on June 15, 2011.

*** The Credit Union Amendment Act, 2010**

(Bill 101) Chapter 8

This Act amends *The Credit Union Act, 1998*, to:

- create an offence for the improper use of membership lists;
- allow an entity named in the regulations to be defined as "Credit Union Central";
- clarify the provision dealing with conflict of interest in material contracts;
- clarify the procedure for terminating a credit union membership;
- specifically grant credit unions authority to pass bylaws concerning electronic communication and voting;
- change the title of the leaders of a credit union board from president and

  vice-president to chairperson and vice-chairperson;
- update the capacity requirement for the qualifications of incorporators and directors of a credit union to align with the definition in *The Adult Guardianship and Co-decision-making Act*;
- place limitations on the ability of a person who has been convicted of a criminal offence to be an incorporator or director of a credit union;
- allow credit unions to provide services to companies in which they have substantial investments; and
- extend the prohibition on tied selling to credit union subsidiaries and companies in which credit unions have substantial investments.

This Act, except for clause 3(b), came into force on September 1, 2011.

*** The Crown Minerals Amendment Act, 2010**

(Bill 125) Chapter 9

This bill contains amendments that support the implementation of the new Internet-based Crown minerals electronic registry including:

- setting out the requirements for converting pre-existing mineral dispositions into the electronic registry;
- allowing the creation of a new electronic mapping system that forms the legal basis for issuing new dispositions;
- creating the legal status of the registry, the electronic records and documents required to operate the system;
- establishing a process for confirming the boundaries of pre-existing mineral dispositions; and
- allocating the risk and liabilities related to the use of an Internet-based electronic registry.

This Act came into force on November 30, 2010 except for section 25 which came into force on December 1, 2012 and established the Crown minerals electronic registry.

The Enforcement of Money Judgments Act

(Bill 129) Chapter E-9.22
Sections 46 and 172 amended on Third Reading.

The Enforcement of Money Judgments Act is a major law reform initiative that repeals *The Executions Act*, *The Exemptions Act*, *The Creditors' Relief Act*, *The Absconding Debtors Act* and *The Attachment of Debts Act* to introduce a new comprehensive money judgment enforcement process.

The Act provides that registration of a judgment in the judgment registry will be required in order to use the new enforcement procedures set out in the Act. The effect of this requirement is to create a province-wide, single searchable public registry where all judgments that are capable of immediate enforcement will be registered and priority will be determined.

The Act is intended to make the seizure and sale of assets much more efficient and effective. It will apply to modern assets such as intellectual property and securities so that they are not functionally exempt just because the existing old legislation does not know how to deal with them. The Act introduces:

- the continuing seizure of employment income for up to one year;
- the integration of judgments into the general priority schemes of the personal property registry and the Land Titles Registry;

- the modernization of the sheriff's office to ensure that judgment enforcement efforts can proceed on a province-wide basis rather than just in the local judicial centre of a sheriff;
- the seizure and sale of jointly owned property;
- pro-rata sharing of proceeds among enforcing judgment creditors; and
- a priority payment during distribution to the initiating enforcing judgment creditor.

The Enforcement of Money Judgments Act will also update the exemption protection available to debtors in the enforcement process to ensure that Saskatchewan's traditional debtor protection regime is rationalized and fundamentally retained.

This Act, except for clause 93(1)(k), came into effect on May 28, 2012.

*** The Enforcement of Money Judgments Consequential Amendments Act, 2010 / Loi de 2010 portant modifications corrélatives à la loi intitulée The Enforcement of Money Judgments Act**

(Bill 130) Chapter 10

This legislation provides for consequential amendments to bilingual Acts required by the introduction of *The Enforcement of Money Judgments Act*.

This Act came into force on May 28, 2012.

*** The Environmental Assessment Amendment Act, 2010**

(Bill 122) Chapter 11
New section 7 added on Third Reading.

This Act introduces amendments to:

- allow project proponents to request that the Minister of Environment decide in advance whether or not their project meets the definition of "development" and whether or not further review and approval to proceed is required;
- provide the powers and protections afforded to peace officers to environment officers responsible for enforcing the Act and the regulations;
- expand the Minister's responsibilities to include the ability to conduct or commission environmental studies;
- provide the Minister with the ability to determine the scope of assessments, the content of statements, and procedures for conducting assessments for developments and classes of development, subject to the regulations;
- update the regulation-making authority to include the power to make regulations that establish classes of developments, the content of assessments, procedures for conducting assessments, and the process and procedures for making a decision whether a project is a "development"; and
- make a number of additional, housekeeping changes.

This Act came into force on November 7, 2012.

*** The Environmental Management and Protection Act, 2010**

(Bill 121) Chapter E-10.22
Sections 2, 39, 40, 41, 45, 46 and 68 amended on Third Reading.

This Act consolidates *The Clean Air Act*, *The Litter Control Act*, *The State of the Environment Report Act* and *The Environmental Management and Protection Act, 2002* into one Act that will:

- establish a results-based regulatory system that will emphasize the Ministry's role in verifying results and ensuring compliance with legislation;
- provide for the adoption of an Environmental Code that will set out standards and requirements for compliance with the Act;
- establish an Advisory Committee to provide recommendations to the Minister on the content of the Environmental Code;
- replace the existing contaminated site designation process with a new regime that requires the identification and assessment of environmentally impacted sites and encourages the voluntary remediation of the sites through the granting of limited releases;
- create a registry accessible by the public that will record the location and condition of environmentally impacted sites;
- require that municipalities restrict activities on an environmentally impacted site if required for public health or safety or the protection of the environment;
- expand the regulation-making powers respecting the beverage container program, waste management and waste minimization and air quality; and
- establish an Impacted Sites Fund that can be used to reclaim, restore and remedy orphaned environmentally impacted sites.

This Act will come into force on proclamation.

*** The Financial Administration Amendment Act, 2010**

(Bill 120) Chapter 12

The Financial Administration Act, 1993 requires the Minister of Finance to prepare an annual report that shows the difference between "road-use fuel tax revenues" and "provincial transportation expenditures". This Act amends the definition of "provincial transportation expenditures" to exclude expenditures that are not associated with operating, preserving or maintaining provincial road infrastructure, as prescribed in the regulations.

This Act came into force on assent, but is retroactive in effect to April 1, 2009.

*** The Forest Resources Management Amendment Act, 2010**

(Bill 123) Chapter 13
Sections 3 and 46 amended on Third Reading.
Sections 53 and 61 defeated on Third Reading.

This Act will establish a results-based regulatory system that moves away from the use of permits to control forestry activities. It will establish an Environmental Code that will require regulated parties to meet defined standards and requirements and emphasize the Ministry's role in verifying compliance with the legislation. Specifically, this Act will:

- enhance audit-related provisions where greater reliance will be placed on audits to ensure licensee performance and compliance;
- recognize the role of "qualified persons" in forestry planning processes;
- remove licensing requirements for activities that pose a low environmental risk such as berry picking, research activities, and the removal of timber from agricultural lands if there is no market for the timber;
- provide authority to make regulations to require financial assurances from persons conducting forestry activities;
- provide for the Minister to issue a forest remediation order if a person has not complied with the Act, regulations or the Code and causes damage to Crown land or forest products on Crown land;
- provide an appeal process for administrative penalties; and
- provide for an enhanced approval process for forest management plans, to eliminate the need for a separate environmental assessment.

This Act will come into force on proclamation.

The Freehold Oil and Gas Production Tax Act, 2010

(Bill 156) Chapter F-22.11

This new Act will:

- enable the Ministry of Energy and Resources to electronically receive, disseminate and approve forms, reports, plans, surveys, maps, applications, records, statistics, and other information;
- remove the due date for paying freehold production taxes from the Act and add regulation-making power, instead, to prescribe the due date in the regulations;
- provide that crude oil recovered from waste processing facilities will only be subject to recovered crude oil tax if the oil cannot be allocated back to the wells from which it was originally produced;
- clarify and update audit provisions;
- move penalty amounts to the regulations;
- revise the offence provisions and increase the maximum fines;
- expand and clarify regulation-making powers; and
- make a number of housekeeping amendments.

The Act came into force on April 1, 2012 except for subsections 35(3) and (4) which came into force May 28, 2012.

The Hunting, Fishing and Trapping Heritage Act

(Bill 117) Chapter H-16

This Act recognizes that a person has the right to hunt, fish and trap in accordance with existing laws. It also designates November 15th of each year as Hunting, Fishing and Trapping Heritage Day in Saskatchewan.

This Act came into force on May 20, 2010.

*** The Justices of the Peace Amendment Act, 2010/ Loi de 2010 modifiant la Loi de 1988 sur les juges de paix**

(Bill 112) Chapter 14

This Bill makes the following amendments to *The Justices of the Peace Act, 1988*:

- extends the retirement age for justices of the peace from 65 to 70;
- eliminates the category of "non-presiding justice of the peace"; and

- permits practising lawyers to become justices of the peace if they do not practise criminal law, do not act as legal counsel for or against the government of Saskatchewan or Canada and are not otherwise in a position of conflict with their duties as a justice of the peace.

This Act came into force on May 20, 2010.

*** The Justices of the Peace Consequential Amendments Act, 2010**

(Bill 113) Chapter 15

This Bill makes consequential amendments to eight Acts to remove references to the categories of "non-presiding" and "presiding" justices of the peace.

This Act came into force on May 20, 2010.

The Labour Market Commission Repeal Act

(Bill 106) Chapter 16

The Labour Market Commission Act is repealed. Its functions will be assumed by Enterprise Saskatchewan.

This Act was proclaimed in force on May 15, 2011.

*** The Legal Profession Amendment Act, 2010**

(Bill 124) Chapter 17

The Act makes a number of amendments to *The Legal Profession Act, 1990.*

The Law Society's duty is articulated in the legislation. The duty is to:

- act in the public interest;
- regulate the profession and govern the members in accordance with the Act and the rules; and
- protect the public by assuring the integrity, knowledge, skill, proficiency and competence of members.

The amendments streamline the discipline process conducted by the Law Society by:

- providing authority for the Benchers of the Law Society to delegate non-decision-making functions to Law Society staff;
- permitting a hearing committee to impose any penalty including suspension or disbarment; and
- separating the investigative and adjudicative functions of the Law Society.

As well, amendments will allow the Conduct Investigation Committee to appeal a dismissal of a complaint or a penalty to the Court of Appeal.

Other amendments:

- remove the requirement that a lawyer always needs the permission of the Law Society to resign as a member;
- alter the rules for closing trust accounts when a small amount is held for a client who cannot be found;
- change the limitation period for prosecution of unauthorized practice of law by non-lawyers from one year to two years; and
- increase the membership of the Law Foundation by two members.

The Act came into force on July 1, 2010.

The Management and Reduction of Greenhouse Gases Act

(Bill 126) Chapter M-2.01
Sections 5, 7, 17, 25, 46, 65 and 83 amended on Third Reading. New section 23 added on Third Reading.

This Act establishes the framework for the provincial climate change plan. It will:

- authorize the Lieutenant Governor in Council to establish a greenhouse gas emission baseline for Saskatchewan, and greenhouse gas emission reduction targets;
- require "regulated emitters" to establish baseline emission levels for their facilities, in accordance with the Act and subject to the approval of the Minister of Environment and then in each subsequent year, reduce their emissions, acquire credits or pay carbon compliance payments to the Saskatchewan Technology Fund Corp.;
- establish the Climate Change Advisory Council to advise the Minister on matters relating to greenhouse gas and climate change issues;
- establish an Office of Climate Change within the Ministry of Environment;
- create the Saskatchewan Technology Fund Corp. as a non-profit corporation that will manage carbon compliance payments by regulated emitters, and make funds available to regulated emitters for investments in emission-reducing technologies;
- establish the Saskatchewan Climate Change Foundation as a non-profit, charitable foundation to promote research and development of emission-reducing technologies;
- establish the Saskatchewan Climate Research and Development Corp. as a non-profit, scientific research and experimental development organization;

- establish the Saskatchewan Environment Corporation as a non-profit organization to promote and provide financial assistance for conservation and adaptation to climate change; and
- establish a provincial carbon offset system.

This Act will come into force on proclamation.

The Milk Control Repeal Act

(Bill 118) Chapter 18

This legislation repeals *The Milk Control Act, 1992* and disestablishes the Milk Control Board. The assets and liabilities of the Board will be transferred to a marketing board established pursuant to *The Agri-Food Act, 2004*.

The Act came into force on October 1, 2010.

*** The Miscellaneous Statutes (Labour Mobility) Amendment Act, 2010**

(Bill 128) Chapter 19

This Act amends legislation affecting 37 regulated professions to ensure compliance with the Agreement on Internal Trade, Chapter 7 - Labour Mobility. The amendments ensure that any worker certified for an occupation by a regulatory authority in another province or territory is recognized as qualified to practise that occupation in Saskatchewan without further material training, examinations or assessment requirements.

This Act came into force on May 20, 2010.

*** The Miscellaneous Statutes (Professional Discipline) Amendment Act, 2010**

(Bill 103) Chapter 20

This Act amends 40 statutes with respect to self-regulated professional and occupational groups to allow disciplinary actions to be taken against former members. The amendments provide that proceedings must commence within two years after an individual ceases to be a member.

This Act came into force on May 20, 2010

The Miscellaneous Statutes (Streamlining Government) Amendment Act, 2010

(Bill 139) Chapter 21

This Act transfers the powers and duties of the Co-operative Securities Board to the Saskatchewan Financial Services Commission. It eliminates the Geographic Names Board, the Saskatchewan Heritage Advisory Board and the Saskatchewan Heritage Property Review Board and transfers their powers and duties to the Saskatchewan Heritage Foundation. It eliminates the Farm Support Review Committee. The Act repeals *The Geographic Names Board Act* and *The Saskatchewan Heritage Foundation Act*.

This Act came into force on May 20, 2010.

The Miscellaneous Statutes (Streamlining Government) Amendment Act, 2010 (No.2) / Loi corrective (rationalisation administrative) nº2 de 2010

(Bill 140) Chapter 22

This bilingual Act amends *The Co-operatives Act, 1996* to eliminate the Co-operative Securities Board and transfer its powers to the Saskatchewan Financial Services Commission. *The Education Act, 1995* is amended to eliminate the Educational Boundaries Commission.

This Act came into force on May 20, 2010.

*** The Municipal Financing Corporation Amendment Act, 2010**

(Bill 98) Chapter 23

This Act increases the borrowing limit for the Municipal Financing Corporation of Saskatchewan from $250 million to $350 million.

This Act came into force on May 20, 2010.

*** The Municipalities Amendment Act, 2010**

(Bill 109) Chapter 24

Section 31 amended on Third Reading.

This Act makes a number of amendments to *The Municipalities Act* including:

- clarifying the process for determining issues associated with municipal road maintenance agreements, including providing for the Saskatchewan Municipal Board to resolve issues respecting agreements or proposed agreements;
- clarifying the application of distress warrants to enforcement of property taxes against house trailers;
- allowing municipal councils to require candidates for council to submit criminal record checks with their nomination papers;
- addressing officer/director liability when a corporation has contravened the Act;
- clarifying the means and time frames for service of documents;

- clarifying the limitation period for instituting a third party claim against a municipality; and
- consequentially amending *The Local Government Election Act* to reflect the potential requirement for a criminal record check in the election process.

This Act came into force on May 20, 2010.

*** The Northern Municipalities Act, 2010**

(Bill 110) Chapter N-5.2
Section 411 amended on Third Reading.

This Act repeals *The Northern Municipalities Act* and provides the new legislative framework for municipal governments in the North. It is adapted from other recently updated municipal legislation such as *The Cities Act* and *The Municipalities Act*. This Act covers the following areas:

- capacity and power of councils, including the power to address:
  - streets and roads, dangerous animals, buildings and structures;
  - vehicle management;
  - public utilities and public utility boards; and
  - regional municipal service districts and municipal development corporations;
- establishment, alteration and restructuring of municipalities;
- municipal organization and administration, including bylaws and employees;
- public accountability and conflicts of interest of members of council;
- financial administration;
- property assessment and taxation;
- liability of municipalities;
- powers of the Minister responsible for northern municipalities; and
- the Northern Municipal Trust Account.

This Act also consequentially amends a number of English language statutes including *The Assessment Management Agency Act, The Controverted Municipal Elections Act, The Local Government Election Act, The Local Improvements Act, 1993, The Municipal Board Act, The Planning and Development Act, 2007, The Public Health Act, 1994* and *The Summary Offences Procedure Act, 1990.*

This Act came into force on January 1, 2011.

*** The Northern Municipalities Consequential Amendments Act, 2010 / Loi de 2010 portant modifications corrélatives à la loi intitulée The Northern Municipalities Act, 2010**

(Bill 111) Chapter 25

This Act consequentially amends three bilingual statutes to reflect *The Northern Municipalities Act, 2010*: *The Alcohol and Gaming Regulation Act, 1997, The Education Act, 1995* and *The Interpretation Act, 1995.*

This Act came into force on January 1, 2011.

The Opticians Act

(Bill 134) Chapter O-5.1
Section 23 amended on Third Reading.

This Act replaces *The Ophthalmic Dispensers Act* and updates the regulatory framework for opticians (formerly known as ophthalmic dispensers). The Act:

- renames the Saskatchewan Ophthalmic Dispensers Association as the Saskatchewan College of Opticians;
- establishes the duty and objects of the College;
- establishes the governing council of the College;
- establishes membership requirements for opticians;
- prohibits the use of the terms "optician", "ophthalmic dispenser", "contact lens technician" and "contact lens practitioner" by people who are not members of the College;
- establishes authorized practices for members;
- creates a disciplinary process for opticians; and
- includes a consequential amendment to *The Optometry Act, 1985.*

The Act came into force June 18, 2011.

*** The Personal Property Security Amendment Act, 2010**

(Bill 102) Chapter 26

The Personal Property Security Amendment Act, 2010 introduces conflict of laws provisions that will use the jurisdiction of incorporation of the registered head office of a corporation to provide easily determinable rules for establishing jurisdiction in conflicts of law situations. It also introduces rules to determine the location of general partnerships, unlimited partnerships, and trusts for conflict of laws purposes.

Technical changes are also made to:

- eliminate the requirement that the forms be contained in the regulations;

- provide authority to Information Services Corporation to establish or revise fees and to use registry information;
- change the requirement on the secured party from providing to the debtor a copy of a financing statement to providing a copy of the verification statement;
- update the language regarding registry searches and printed search results in the Personal Property Registry to reflect similar language in *The Land Titles Act, 2000*; and
- introduce discretionary powers for the Registrar of the Personal Property Registry, similar to the discretionary powers given to the Registrar of Titles.

The conflict of laws provisions will come into force on proclamation once a majority of other jurisdictions have passed similar provisions. The balance of the Act came into force on May 20, 2010.

*** The Prescription Drugs Amendment Act, 2010**

(Bill 135) Chapter 27

These amendments require pharmacists and other prescribed practitioners to record personal health information with respect to the sale of specific drugs, as designated in the regulations, in a database established by the Minister of Health.

These amendments will come into force on proclamation.

*** The Queen's Bench Amendment Act, 2010 / Loi de 2010 modifiant la Loi de 1998 sur la Cour du Banc de la Reine**

(Bill 115) Chapter 28

This Bill makes five amendments to *The Queen's Bench Act, 1998*:

- provides for the enforcement of monetary penalties and costs awards ordered by Agreement on Internal Trade panels in the same manner as judgments of the court;
- moves to *The Queen's Bench Act, 1998* the provision of *The Trustee Act* that provided for vesting orders when the court makes an order for sale of land or a judgment for specific performance of a contract concerning land;
- repeals *The Laws Declaratory Act* and adds an equivalent provision to *The Queen's Bench Act, 1998*;
- re-enacts in *The Queen's Bench Act, 1998* the date for the reception of English statute law, which was previously set for Saskatchewan in *The North-West Territories Act* as July 15, 1870; and
- abolishes the common law action for breach of promise to marry.

The Agreement on Internal Trade provisions came into force on July 1, 2010. The balance of the Act came into force on May 20, 2010.

The Queen's Bench Amendment Act, 2010 (No. 2) / Loi n°2 de 2010 modifiant la Loi de 1998 sur la Cour du Banc de la Reine

(Bill 138) Chapter 29

This Act amends *The Queen's Bench Act, 1998* to specify that beneficiary designations in tax free savings accounts (TFSAs) are to be made in accordance with TFSAs instead of the current reference to the *Income Tax Act (Canada)*.

This Act came into force on May 20, 2010 but is retroactive in effect to May 14, 2009, the date that the TFSA beneficiary designation provision originally came into force.

The Safer Communities and Neighbourhoods Amendment Act, 2010

(Bill 137) Chapter 30

This amending legislation provides for the following changes:

- revised definitions of the terms "gang", "gang colours" and "permitted premises";
- new fine levels of $5,000 for a first offence and $15,000 for a subsequent offence; and
- authority to prescribe in the regulations persons who are included in the definition of "gang".

This Act will come into force on proclamation.

The Saskatchewan Indian Institute of Technologies Amendment Act, 2010

(Bill 151) Chapter 42

This Act provides that neither the Saskatchewan Indian Institute of Technologies nor its real or personal property are liable to taxation for municipal or school purposes.

This Act came into force on January 20, 2011.

*** The SaskEnergy Amendment Act, 2010**

(Bill 105) Chapter 31

This Act increases the borrowing limit for SaskEnergy Incorporated from $1.3 billion to $1.7 billion.

This Act came into force on May 20, 2010.

*** The Small Claims Amendment Act, 2010/Loi de 2010 modifiant la Loi de 1997 sur les petites créances**

(Bill 114) Chapter 32

This Act amends *The Small Claims Act, 1997* by:

- clarifying the power of a judge to give judgment against a party who fails to appear at a case management conference;
- requiring that the document that begins a claim, the summons, must be served personally or by registered mail;
- permitting a judge to admit as evidence any oral or written testimony or report that the judge considers to be credible and trustworthy; and
- placing a 90-day time limit on the ability to apply to set aside a judgment that has been obtained by default. There will be limited flexibility for the application to be made beyond 90 days if there are "exceptional circumstances".

The Act came into force on May 20, 2010.

*** The Summary Offences Procedure Amendment Act, 2010**

(Bill 104) Chapter 33

This Bill makes the following amendments:

- provides that if a summons or offence notice cannot reasonably be served on an individual at the time of the offence, it may be served by mail; and
- allows for an offender to request a hearing after conviction if he or she did not have an opportunity to dispute the charge or appear at the trial, it would be equitable to grant the hearing and not more than 15 days have elapsed since the offender first became aware of the conviction.

This Act came into force on January 1, 2011.

The Technical Safety Authority of Saskatchewan Act

(Bill 136) Chapter T-9.2

The Act establishes the Technical Safety Authority of Saskatchewan as a not-for-profit corporation. The Authority will provide regulatory, enforcement and advisory services related to boilers, pressure vessels, plants, pressure piping systems, elevators and amusement rides. The Authority will also administer *The Amusement Ride Safety Act*, *The Boiler and Pressure Vessel Act, 1999* and *The Passenger and Freight Elevator Act*, in accordance with a safety standard agreement with the Minister of Corrections, Public Safety and Policing.

Portions of this Act were proclaimed in force on June 4, 2010 and the remaining provisions came into force on July 1, 2010.

The Ticket Sales Act

(Bill 119) Chapter T-13.1
Sections 6, 8 and 13 amended on Third Reading.

This Act puts into place a number of consumer protection initiatives respecting the sale and resale of tickets to major sporting and entertainment events, by:

- prohibiting a primary seller from having links to reseller websites on the primary seller's website;
- prohibiting the advertising for sale of a ticket to an event by a reseller until 48 hours after the tickets went on sale to the public;
- prohibiting the advertising or selling of tickets by a reseller unless the reseller owns or controls the tickets;
- permitting regulations to establish a geographic area outside of which tickets may not be sold for a specified time;
- making it an offence to use computer software to break the code that is in place to ensure that only humans, and not automated systems, can buy tickets;
- allowing regulations to outline reporting requirements for publicly-owned venues.

Remedies for consumers include the right to sue offenders for damages. In addition, offenders can be prosecuted.

The Act, except for section 4, came into force on June 1, 2011.

*** The Tobacco Control Amendment Act, 2010**

(Bill 133) Chapter 34
Sections 3, 8, 10, 11 and 15 amended on Third Reading. New sections 12 and 14 added on Third Reading.

This Bill creates further controls on the sale and advertising of tobacco. The amendments:

- prohibit the sale of flavoured little cigars and other flavoured tobacco products;
- prohibit tobacco and tobacco-related products from being visible from outside of a retail premises;
- prohibit the use of outdoor signs that advertise or promote tobacco;
- prohibit the sale of tobacco and tobacco-related products in pharmacies;
- prohibit tobacco use on the grounds of schools and independent schools;

- prohibit smoking in the common spaces of multi-unit dwellings, such as apartments and condominiums;
- prohibit smoking in a vehicle containing a child under age 16;
- restrict smoking near doorways, windows and air intakes of public buildings;
- provide new regulation-making authority to:
- allow exemptions to the prohibition on the sale of flavoured little cigars;
    - restrict the sale of other flavoured tobacco products;
    - control indoor signs that indicate the price of tobacco and tobacco-related products; and
    - allow exemptions to the restrictions on advertising and promotion of tobacco and tobacco-related products.

The provisions prohibiting tobacco use on school grounds came into force on August 15, 2010. Provisions prohibiting the sale of tobacco products in pharmacies, and retail stores with pharmacies or that physically connect the pharmacy with the retail store, came into force on April 1, 2011. All other provisions came into force on October 1, 2010, other than those that apply to flavoured little cigars and tobacco products. Those provisions will come into force on proclamation.

The Tobacco Tax Amendment Act, 2010

(Bill 143) Chapter 35

This Act makes the following amendments:

- increases the tobacco tax rates and modifies the tax calculation for cigars;
- establishes the First Nations tobacco tax refund program in legislation. This includes defining new terms, providing new tobacco markings, additional enforcement measures, offences and penalties, and regulation-making provisions for weekly tax-free purchase limits, tobacco markings and reporting requirements;
- introduces new provisions that are administrative and housekeeping in nature.

The tobacco tax rate increases came into force on assent but are retroactive in effect to March 25, 2010. The changes to the First Nations refund program and the administrative and housekeeping provisions came into force on July 1, 2010.

The Weed Control Act

(Bill 107) Chapter W-11.1

This Bill repeals *The Noxious Weeds Act, 1984*. The new Act establishes three classes of regulated weeds with varying enforcement levels, increases the maximum fines to $5,000, and increases the maximum amount that municipalities may recover from a landowner for costs incurred as a result of control measures taken during enforcement. These amounts will be found in the regulations. Prohibited, noxious, and nuisance weeds will be designated by Minister's Order and published in the Gazette.

The new Act also contains an appeal process for enforcement orders. The process allows a person to appeal a weed inspector's order, first to the municipality and then to the Saskatchewan Municipal Board.

This Act came into force on December 1, 2010.

*** The Wildlife Habitat Protection (Land Designation) Amendment Act, 2010**

(Bill 132) Chapter 36
New sections 4 and 13 added on Third Reading.

This Act defines "wildlife habitat and ecological lands" as a new category of land that may be designated for protection. The amendments allow regulations to be made designating any Crown lands as wildlife habitat and ecological lands; the Schedule to the Act listing designated lands is repealed. The maximum penalties for contravening the Act are increased.

This Act will come into force on proclamation.

* These Bills were introduced in 2009 but not passed until 2010. The short titles of these Bills were corrected by the Office of the Law Clerk and Parliamentary Counsel, to indicate the year in which the Act was passed and received Royal Assent.